

JUN-01-2004 15:37

JUN 14 2004 10:00 AM TOLLI SUNDHEIM COVELL

2166214872 P.02

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Atty. Docket No. AXM-6666

As a below inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR REPLACING A DAMAGED SPINAL DISC**, the specification of which:

(check one) ☐ is attached hereto.☒ was filed on December 10, 2003as Application Serial No. 10/731,942

and was amended on \_\_\_\_\_

(if applicable).

☐ was filed on \_\_\_\_\_

as International Application No. \_\_\_\_\_

and was amended on \_\_\_\_\_

by ☐ Preliminary Amendment☐ Article 19;☐ Article 34

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 or §365 of any foreign application(s) for patent or inventor's certificate or §385 of any PCT international application(s) designating at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate, or §365 any PCT international application(s) having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s):

(Number)

(Country)

(Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status-patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status-patented, pending, abandoned)

Power of Attorney: As a named inventor, I hereby appoint the following attorneys: Thomas L. Tarolli, Reg. No. 20,177; Robert B. Sundheim, Reg. No. 20,127; Calvin G. Covell, Reg. No. 24,042; Barry L. Tummino, Reg. No. 29,709; James L. Tarolli, Reg. No. 36,029; and Richard S. Wesorick, Reg. No. 40,871, each with full powers of substitution and revocation to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

TAROLLI, SUNDHEIM, COVELL &amp; TUMMINO L.L.P.

526 SUPERIOR AVENUE, Suite 1111

CLEVELAND, OHIO 44114-1400

JAMES L. TAROLLI, (216) 621-2234

DIRECT TELEPHONE CALLS TO:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Full name of sole or first inventor Edward C. Benzal

Inventor's signature \_\_\_\_\_

Residence Gates Mills, OH

Date \_\_\_\_\_

Citizenship USAPost Office Address 700 Chargin River Road, Gates Mills, OH 44040County Cuyahoga2) Full name of second inventor Isador H. Lieberman

Inventor's signature \_\_\_\_\_

Residence Pepper Pike, OH

Date \_\_\_\_\_

Citizenship CanadianPost Office Address 28280 Red Ravin Road, Pepper Pike, OH 44124County Cuyahoga

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JUN-01-2004 15:38

TAROLLI SUNDHEIM COVELL

2166214072

P.03

Atty. Docket No. AXM-8686  
Page 2 of 23) Full name third inventor Lee Strnad

Inventor's signature \_\_\_\_\_

Residence Broadview Heights, OHPost Office Address 8598 Lakoview Drive, Broadview Heights, OH 44147

Date \_\_\_\_\_

Citizenship USACounty Cuyahoga4) Full name of fourth inventor James M. Kuras

Inventor's signature \_\_\_\_\_

Residence Macedonia, OHPost Office Address 8792 N. Melody Lane, Macedonia, OH 44056

Date \_\_\_\_\_

Citizenship USACounty Summit5) Full name of fifth inventor Raymond S. RossInventor's signature Raymond S. RossResidence Sale, EnglandPost Office Address 9 Gresham Way, Sale M33 3UY, EnglandDate June 4, 2004Citizenship British

County \_\_\_\_\_

6) Full name of sixth inventor Charles F. Birchall, Jr.

Inventor's signature \_\_\_\_\_

Residence Mentor, OHPost Office Address 7215 Allendale Drive, Mentor, OH 44060

Date \_\_\_\_\_

Citizenship USACounty Lake7) Full name of seventh inventor Kath Duke

Inventor's signature \_\_\_\_\_

Residence Cleveland, OHPost Office Address 7118 Superior Avenue, Cleveland, OH 44103

Date \_\_\_\_\_

Citizenship USACounty Cuyahoga8) Full name of eighth inventor Keri Zimmers

Inventor's signature \_\_\_\_\_

Residence Solon, OHPost Office Address 5895 Elm Hill Drive, Solon, OH 44139

Date \_\_\_\_\_

Citizenship USACounty Cuyahoga

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Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

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Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

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- 3) Full name third inventor Lee Strnad
- Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Broadview Heights, OH Citizenship USA  
Post Office Address 8598 Lakeview Drive, Broadview Heights, OH 44147 County Cuyahoga
- 4) Full name of fourth inventor James M. Kuras
- Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Macedonia, OH Citizenship USA  
Post Office Address 8792 N. Melody Lane, Macedonia, OH 44056 County Summit
- 5) Full name of fifth inventor Raymond S. Ross
- Inventor's signature Raymond S. Ross ✓ Date 29 March 2004 ✓  
Residence Sale, England Citizenship British  
Post Office Address 9 Gresham Way, Sale M33 3UY, England County \_\_\_\_\_
- 6) Full name of sixth inventor Charles F. Birchall, Jr.
- Inventor's signature Charles F. Birchall, Jr. ✓ Date 2/10/04 ✓  
Residence Mentor, OH Citizenship USA  
Post Office Address 7215 Allendale Drive, Mentor, OH 44060 County Lake
- 7) Full name of seventh inventor Keith Duke
- Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Cleveland, OH Citizenship USA  
Post Office Address 7118 Superior Avenue, Cleveland, OH 44103 County Cuyahoga
- 8) Full name of eighth inventor Kari Zimmers
- Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
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